

**CIVIL NO. 1:07CV310**

**Defendant.**

## ORDER

Defendant requests that Plaintiff's claim for punitive damages be bifurcated and tried separately from the issues of liability and compensatory damages. **Defendant's Motion to Bifurcate, filed October 26, 2008, at 1.** Defendant argues that allowing the jury to consider punitive damages before liability will unfairly prejudice the Defendant, but bifurcating the proceedings would not result in prejudice to

the Plaintiff. **Defendant's Brief in Support of Motion to Bifurcate, filed October 26, 2008, at 2-3.**

As noted by the Defendant, Rule 42(b) provides that "[f]or convenience, or to expedite and economize," the Court may order a separate trial of any claim. **Fed. R. Civ. P. 42(b); Defendant's Brief, *supra*, at 1.** During the final pretrial conference held October 27, 2008, the parties voiced their respective positions on this issue. Because the Court is unconvinced the Defendant would be prejudiced by not bifurcating these proceedings or that bifurcation would expedite the trial or facilitate judicial economy, the motion is denied.

**IT IS, THEREFORE, ORDERED** that the Defendant's motion to bifurcate is **DENIED**.

Signed: October 30, 2008



Lacy H. Thornburg  
United States District Judge

